



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701
(727) 824-5312, FAX 824-5309
<http://sero.nmfs.noaa.gov>

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REMINDER ABOUT MANDATORY OBSERVER COVERAGE

Dear Fishery Participant:

This notice is issued to all commercial fishermen participating in Category I and II fisheries in North Carolina inshore and offshore waters. The purpose of this notice is to remind commercial fishermen about NOAA's National Marine Fisheries Service's (NMFS) mandatory observer coverage requirements for fishermen participating in Category I and II fisheries, as well as current and future steps to increase observer coverage in the mid-Atlantic.

Observer Requirements

All fishermen participating in fisheries in North Carolina that are classified as Category I and II under the Marine Mammal Protection Act List of Fisheries (January 4, 2006; 71 FR 247) are required to carry observers aboard their vessels when selected by NMFS or a designated agent. NMFS observer requirements are national in scope and apply to all fishermen subject to observer requirements regardless of fishing location. Fishermen who are selected to carry an observer aboard their vessel must meet specific vessel safety requirements in order to carry an observer and continue fishing operations. These safety requirements are also national in scope and apply to any fishing vessel selected by NMFS for observer coverage.

Vessel Safety Requirements

NMFS has recently increased enforcement efforts to ensure that safety requirements are met for all fishing vessels selected for observer coverage. All vessel owners or operators participating in fisheries classified as a Category I or II in North Carolina inshore and offshore waters and selected by NMFS to carry an observer are required to meet United States Coast Guard (USCG) safety requirements. Upon successful completion of the USCG safety examination, vessels must display a Commercial Fishing Vessel Safety Examination Decal (decal). These decals are valid for two years.

To schedule a dockside examination, vessel owners or operators are directed to call the following local USCG Marine Safety Office Dockside Examiners for a no-cost, vessel dockside examination:

Wilmington, North Carolina (910) 772-2231
Atlantic Beach, North Carolina (252) 247-4562



Before departing port with an observer for fishing operations, vessel owners or operators must also allow NMFS or its designated agent to visually inspect any safety or accommodation requirement, if requested [50 CFR § 600.746(c)(2)]. Furthermore, observers are required to complete a pre-trip safety check of the emergency equipment and encouraged to review emergency instructions and drills with the operator prior to the vessel departing the port. If there are any noted safety deficiencies, the operator must correct these before departing the port with the observer for fishing operations [50 CFR § 600.746(d)(2)].

Enforcement of Safety Requirements

Vessels that do not have a current and valid safety decal are considered unsafe for purposes of carrying an observer. Vessels that are required and selected to carry an observer, but do not have the safety decal, are prohibited from fishing without observer coverage [50 CFR § 600.746(f)]. If the vessel owner or operator selected to carry an observer continues with fishing operations without the observer, enforcement may seize the catch, terminate the trip, and/or issue a civil penalty assessment.

For more information regarding enforcement ramifications of these safety requirements, please contact the NMFS Enforcement Field Office in the Outer Banks at (910) 458-6441.

Safety Decal Exception

If the vessel does not have a marine sanitation device, and consequently, does not pass the USCG safety examination, the owner or operator may request a waiver from NMFS to display the safety decal. NMFS will request proof from the vessel owner or operator stating that they could not obtain the safety decal *only* due to lack of a marine sanitation device. Once the owner or operator is granted the safety decal waiver from NMFS, the observer may then board the vessel following their pre-trip vessel safety check. The safety decal waiver *does not* exempt the owner or operator from carrying an observer once selected.

Increased Observer Coverage

Observer programs are a critical component to fishery management. Observer coverage helps NMFS collect the most complete, unbiased, and relevant data. This data helps prevent over-regulation and promotes sustainability of our fisheries and protected species.

The NMFS, Southeast Region has been working with the Northeast Fishery Science Center to increase observer coverage in areas of the mid-Atlantic, especially North Carolina and Virginia. In 2006, an alternative platform program was developed and implemented in which field coordinators observe, from an alternate vessel-based platform, vessels too small to carry traditional observers. Additionally, traditional observer coverage will be increased for gillnet fisheries operating in North Carolina nearshore state waters from November 2006 through April 2007. These two efforts are expected to complement one another to increase total observer coverage in the mid-Atlantic. Specifically, this information will help determine the effectiveness of regulations under the Bottlenose Dolphin Take Reduction Plan, recently implemented on

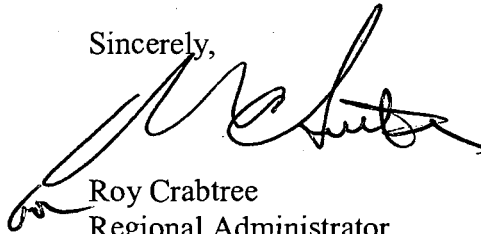
May 26, 2006 (71 FR 24776), by providing enhanced information on fishery interactions with coastal bottlenose dolphins.

Questions

Questions involving the above observer requirements or the management of the observer program should be directed to David Potter at the Northeast Fisheries Observer Program, NMFS, Northeast Fisheries Science Center in Woods Hole, Massachusetts at (508) 495-2262. Other information regarding the observer program, such as the proposed sea day schedule, summary reports, sampling manual, and observer forms can be found at: <http://www.nefsc.noaa.gov/femad/fsb/> or by contacting the Observer Program's Mid-Atlantic Area Lead, Mike Tork, at 508-495-2339. Please also see the attached fact sheet for additional information.

Neither the designated NMFS observer assigned to a vessel nor their employers have the authority to modify these instructions and provisions.

Sincerely,



Roy Crabtree
Regional Administrator
for the Southeast Region

Enclosure